

Application No. 10/551,852
Amdt. Dated: July 29, 2007
Reply to Office Action Dated: May 29, 2007

Remarks/Arguments

Applicant thanks the Examiner for final Office Action mailed May 29, 2007. The status of the application is as follows:

- Claims 1-7, 9-23, 31-39 are pending. Claims 1 and 9 have been amended herein.
Claims 8 and 24-30 have been cancelled.
- The Drawings are objected to.
- Claims 1-7, 10, 11, 14, 15, and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. (US Pub. 2003/0137834) in view of Talamo (US 6,244,723) and further in view of Mah (US 2003/0184997).
- Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and Mah and further in view of Kish et al. (US 6,505,952).
- Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and Mah and further in view of Parsons et al. (US 6,296,367).
- Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and further in view of Rintz et al. (US 6,355,885),
- Claims 31-33, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben (US 5,722,309).
- Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben and further in view of Shamlian et al. (US 3,888,127).
- Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben and further in view of Osiecki et al. (US Pub. 2003/0039118).

The objection and rejections are discussed below.

The Objection to the Drawings

The drawings are objected to because the flange and the shoulder are not clearly shown in the drawings. Applicant traverses this objection as the flange 156 and the shoulder 162 are clearly shown and referenced in FIG. 10. However, to expedite prosecution, a new figure showing the flange and the shoulder has been added. Attached herewith is a replacement sheet of drawings including new figure, FIG. 10B, which provides an enlarged view of the subject elements without surrounding detail. The magnified view includes a portion of FIG. 10 (now FIG. 10A), which is an enlarged view of the detail X in FIG. 9. No new matter has been added. It is believed that FIG. 10B clearly shows the flange and the shoulder. Accordingly, this objection should be withdrawn.

The Rejection of Claims 1-7, 10, 11, 14, 15 and 19-30 under 35 U.S.C. 103(a)

Claims 1-7, 10, 11, 14, 15, and 19-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and further in view of Mah.

Independent claim 1 has been amended herein to include the limitations of **claim 8**. It is believed that the subject amendment places claim 1 in condition for allowance or in better form for appeal. (See MPEP §714.12 (stating that any amendment that will place the application either in condition for allowance or in better form for appeal may be entered after a final rejection.)). No new matter has been added. Claim 8, which depends from claim 1, has been rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al., Talamo, Mah and Kish. The rejection of amended claim 1 should be withdrawn because the combination of Jigamian et al., Talamo, Mah, and Kish does not teach or suggest all the limitations of amended claim 1 and, therefore, fails to establish a *prima facie* case of obviousness with respect to amended claim 1.

To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

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Amended independent claim 1 is directed towards a flashlight including, *inter alia*, a housing having a side with a tapered slot that is received by a base charging unit when the flashlight is inserted into the base unit to charge the power source. The combination of Jigamian et al., Talamo, Mah and Kish do not teach or suggest these claimed aspects.

In the subject final Office Action, the Office concedes that Jigamian et al., Talamo, and Mah, individually and in combination, do not teach or suggest the above-noted claimed aspects. In an attempt to overcome this deficiency, the Office asserts that Kish teaches such aspects and that it would have been obvious to combine the teachings of Kish with Jigamian et al., Talamo and Mah to teach all of the claimed elements. In particular, the Office asserts that element 85 of Kish teaches the claimed flashlight housing and elements 80, 82, and 84 teach the claimed tapered slot in the side of the flashlight housing. The Office also asserts that the elements 80, 82, and 84 are received by a base-charging unit (Fig. 19) and that this teaches a tapered slot that is received by a base charging unit when the flashlight is inserted into the base unit to charge a power source as recited in the subject claim. The Office is mistaken.

The element 85 of Kish is not a housing of a flashlight. Rather, element 85 is the rear wall of a battery pack 42. (See column 3, lines 33-34, column 4, lines 11-13, and Fig. 18). In addition, the elements 80, 82, and 84 do not teach or suggest a tapered slot in a side of a flashlight housing as recited in amended claim 1. Rather, elements 80, 82, and 84 are electrical contacts that are affixed to the rear of the battery pack 42. (See column 4, lines 11-12, and Fig. 18). Moreover, the electrical contacts 80, 82, and 84 are not received by the base-charging unit in Fig. 19. Rather, the electrical contacts 80, 82, and 84 are received by the flashlight. More particularly, the electrical contacts 80, 82, and 84 are received by contact buttons 86, 88, and 90 mounted within recesses 92, 94, and 96 in the rear wall 91 of the flashlight 20. (See column 4, lines 12-16, and Figs. 4-6). Hence, Kish does not make up for the conceded deficiencies of Jigamian et al., Talamo and Mah.

In view of the above, it is respectfully requested that the rejection of claim 1 be withdrawn.

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Claims 2-7, 10, 11, 14, 15, and 19 depend from independent claim 1 and are allowable at least by virtue of their dependencies.

Claims 24-30 have been cancelled herein and, thus, the rejection of these claims is moot.

The Rejection of Claims 8 and 9 under 35 U.S.C. 103(a)

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and Mah and further in view of Kish et al. (US 6,505,952). As noted above, independent claim 1 has been amended herein to include the limitations of claim 8. As a consequence, claim 8 has been cancelled, and the rejection thereto is moot. The dependency of claim 9 has been amended herein so that claim 9 depends from claim 1 instead of cancelled claim 8. **Claim 9** is allowable at least by virtue of its dependency from claim 1.

The Rejection of Claims 12 and 13 under 35 U.S.C. 103(a)

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and Mah and further in view of Parsons et al. (US 6,296,367). **Claims 12 and 13** depend from independent claim 1 and are allowable at least by virtue of their dependencies.

The Rejection of Claims 16 and 18 under 35 U.S.C. 103(a)

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and further in view of Rintz et al. (US 6,355,885). **Claims 16 and 18** depend from independent claim 1 and are allowable at least by virtue of their dependencies.

The Rejection of Claims 31-33, 36, 38 and 39 under 35 U.S.C. 103(a)

Claims 31-33, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben. This rejection should be withdrawn because the combination of Jigamian et al. and Groben does not teach or suggest all the limitations of the subject claims and, therefore, fails to establish a *prima facie* case of obvious with respect to the subject claims.

Independent claim 31 is directed towards a waterproof flashlight. The flashlight includes a flashlight housing defining an electrical contact aperture opening therethrough. The flashlight further includes an electrical contact for electrical connection of the flashlight to a power source external to the flashlight. The electrical contact extends from inside the housing through the aperture being disposed partly outside the flashlight housing and includes a flange located outside of the housing that provides a shoulder adjacent the housing. A resilient sealing means is sandwiched between the shoulder and the flashlight housing to establish a water tight seal between the shoulder and the housing. The flashlight further includes a contact connection means for connecting the flashlight electrical contact to the flashlight housing. The contact connection means extends from the flashlight electrical contact through the contact aperture and includes securing means that secures the contact connection means in relation to the flashlight housing such that the shoulder maintains the sealing means under compression.

A non-limiting example illustrating the elements recited in claim 31 is illustrated in Figs. 10A and 10B. As shown in Figs. 10A and 10B, the electrical contact 152 extends from inside the flashlight housing 166 (first end portion 158) through an electrical contact aperture 38 in the flashlight housing 166 being disposed partly outside the flashlight housing 166 (second end portion 154) and includes a flange 156 located outside of the flashlight housing 166 that provides a shoulder 162 adjacent the flashlight housing 166. A resilient sealing means 164 is sandwiched between the shoulder 162 and the flashlight housing 166 to establish a water tight seal between the shoulder 162 and the flashlight housing 166.

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Figs. 10A and 10B further shows that flashlight 10 includes a contact connection means 158 for connecting the flashlight electrical contact 152 to the flashlight housing 166. The contact connection means 158 extends from the flashlight electrical contact 154 through the contact aperture 38 and includes securement means 168 that secures the contact connection means 158 in relation to the flashlight housing 166 such that the shoulder 162 maintains the sealing means under compression. In Fig. 10, the end portion 158 is shown in an undeformed state. To complete the securement of the contact 152 with the housing 166, the end portion 158 is deformed outwardly so that it is rolled downwards so as to press against the securement means 168, which places the electrical contact 152 under compression, urging the shoulder 162 upwardly to compress the sealing means 164.

The Office asserts the combination of Jigamian et al. and Groben teaches all the limitations of claim 31. The Office has included an annotated Fig. 2 of Jimagian et al. showing what the Office alleges to be structure that identifies the claimed elements in the subject Office Action. Fig. 1b of Jimagian and the annotated copy of Fig. 2 of Jimagian are provided below and discussed in connection with this rejection.

Jigamian et al. is directed towards a xenon arc searchlight 11. (See Abstract). Initially referring to annotated Fig. 2 below, the searchlight 11 includes a body or housing 232. (See page 3, paragraphs [0045] and [0046], and Fig. 1). A pushbutton switch 88 is disposed in the housing 232 just forward a handle 306 where a thumb would be positioned when holding the searchlight 11. (See page 3, paragraph [0046], and Figs. 1 and 4). A base plate 234 is mounted to the housing 232 through molded standoffs 238. (See page 3, paragraph [0046], Fig. 4). Behind the base plate 234 and within the housing 232 is a battery receiving space 236. In annotated Fig. 2, a battery 237 is installed in the battery receiving space 236. (See page 3, paragraph [0046]).

With reference to annotated Fig. 2 and Fig. 1b, the battery 237 is accessible through a rear of the housing 232. (See page 3, paragraph [0047]). Three screws 308 fasten a circular rear plate 310 to the housing 232. (See page 3, paragraph [0047]). An electrical connector 312 is recessed in the rear plate 310. (See page 3, paragraph [0047]).

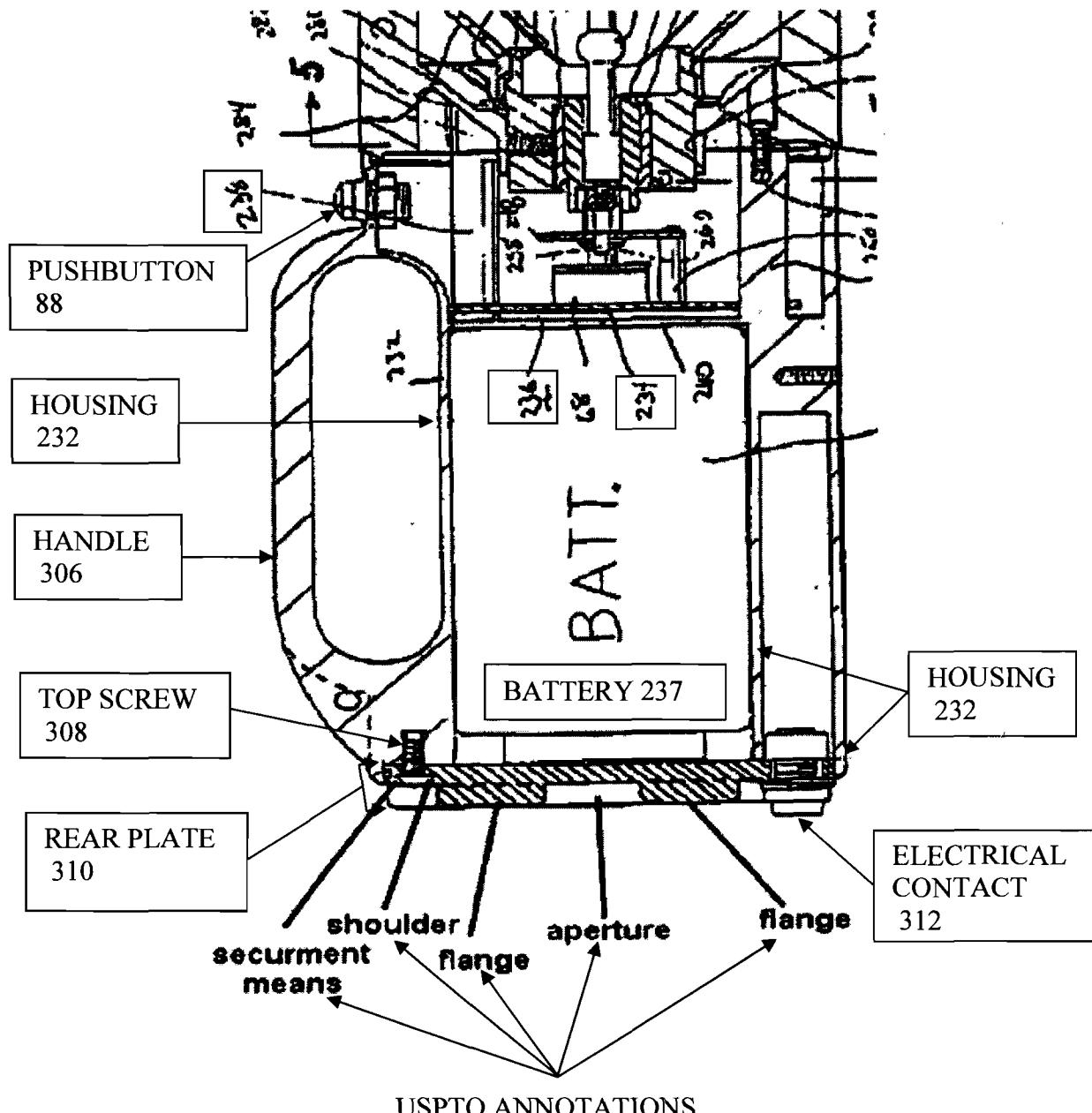
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External power is supplied to the searchlight 11 through the electrical connector 312.

(See page 3, paragraph [0047]).



Annotated Fig. 2 of Jigamian et al.
showing a cross sectional view of the searchlight 11

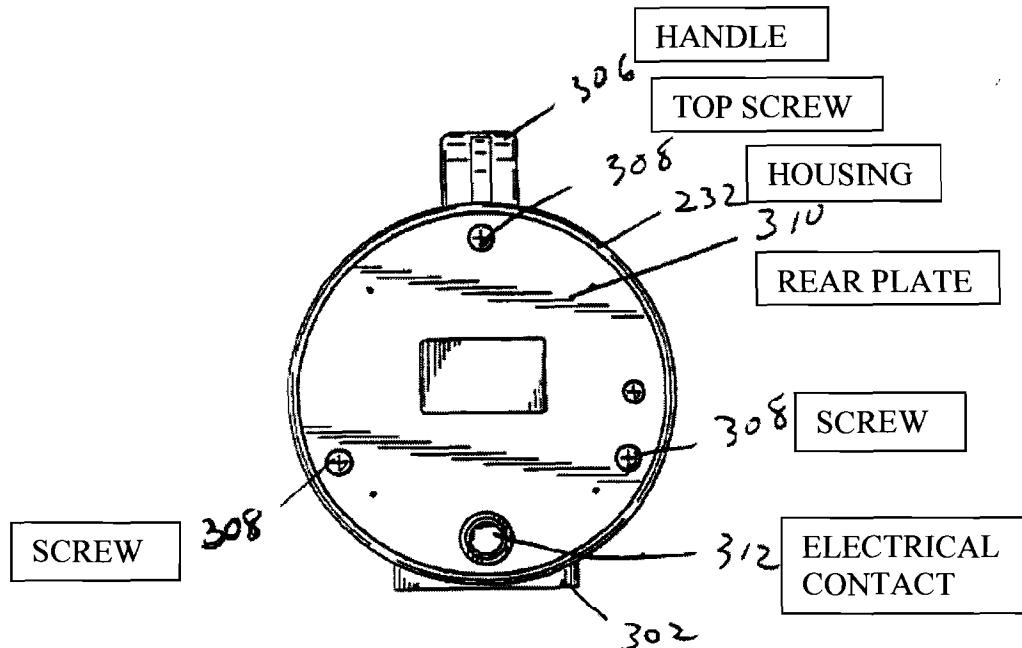


Fig. 1b of Jigamian et al. showing a back view of the searchlight 11.

Claim 31 requires that the flashlight housing define an electrical contact aperture and that an electrical contact extend from inside the housing through the aperture being disposed partly outside the flashlight housing and include a flange located outside of the housing that provides a shoulder adjacent the housing. The Office asserts that electrical contact 312 of Jagamian et al. teaches the claimed electrical contact.

On page 10 of the Office Action, the Office asserts that the hole where pushbutton switch 88 connects to the housing 232 of the searchlight 11 teaches the claimed electrical contact aperture opening defined by the housing, and on page 12 of the Office Action the Office identifies, in annotated Fig. 2, a recess in the rear plate 310 as the claimed electrical contact aperture opening. The Office further identifies, in annotated Fig. 2, portions of the rear plate 310 as the claimed flange of the electrical contact. However, as clearly shown in annotated Fig. 2 and Fig. 1b above the electrical connector 312 neither

extends through the hole where pushbutton switch 88 connects to the housing 232 nor through the recess in the rear plate 310, and the portions of the rear plate 310 are not flanges of the electrical contact 310.

Further on page 12, the Office concedes that Jagimian et al. fails to teach that the portion of the rear plate 310 identified as “aperture” in annotated Fig. 2 is an electrical contact aperture. The Office attempts to make up for this conceded deficiency in Jagimian et al. by asserting the Groben discloses an electrical contact located at the bottom portion of a flashlight and that it would have been obvious to combine the electrical contact of Groben with Jagimian et al. and place the electrical contact of Groben in the aperture. As noted above, the recess in the rear plate 310, which the Office considers to be the claimed aperture, is not an aperture and does not provide access into the housing 232. As shown in annotated Fig. 2, the recess in the rear plate 310 has a depth of about half of the thickness of the rear plate 310. As such, placing an electrical contact in the recess would not teach or suggest an electrical contact that extends from inside the housing through the electrical aperture, being disposed partly outside the flashlight housing as recited in claim 31.

In addition, neither Jagimian et al. nor Groben teach or suggest an electrical contact that includes a flange located outside of the housing that provides a shoulder adjacent the housing. On page 10 of the Office Action, the Office identifies a portion of the rear plate 310 as the electrical contact flange. However, this portion of the rear plate 310 is not part of the electrical contact 312 and, thus, the electrical contact 312 does not include it. Rather, this portion of the rear plate 310 and the electrical contact 312 are separate and distinct structures. As such, the electrical contact 312 does not include a flange that provides a shoulder adjacent to the housing as recited in claim 31.

Claim 31 further requires a contact connection means for connecting the flashlight electrical contact to the flashlight housing in which the contact connection means extends from the flashlight electrical contact through the contact aperture. On page 10 of the Office Action, the Office asserts that the portion of the shoulder protruding from the bottom of the housing in Fig. 1a teaches the claimed contact connection. However, the

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shoulder does not extend through the recess in the rear plate 310, which the Office considers teaches the electrical contact aperture. (See annotated Fig. 1b above).

On page 11 of the Office Action, the Office states that it would have been obvious to extend the contact means through the aperture since a mere reversal of an essential working part involves only routine skill in the art. However, it would require more than mere reversal of an essential working part to extend the portion of the shoulder protruding from the bottom of the housing through the recess in the rear plate 310 at least since the recess does not provide access into the housing and the recess and the portion of the shoulder protruding from the bottom of the housing are offset from each other.

In view of the above, it is readily apparent that the combination of Jagimian et al. and Groben does not teach or suggest all of the limitations of claim 31 and, therefore, this rejection should be withdrawn.

Claims 32-33, 36, 38 and 39 depend from independent claim 31 and are allowable at least by virtue of these dependencies.

The Rejection of Claims 34 and 35 under 35 U.S.C. 103(a)

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben and further in view of Shamlian et al. (US 3,888,127). **Claims 34 and 35** depend from independent claim 31 and are allowable at least by virtue of their dependencies.

The Rejection of Claim 37 under 35 U.S.C. 103(a)

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Groben and further in view of Osiecki et al. (US Pub. 2003/0039118). **Claim 37** depends from independent claim 31 and is allowable at least by virtue of this dependency.

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Conclusion

In view of the foregoing, it is submitted that the pending claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

DRIGGS, HOGG & FRY CO., L.P.A.



Anthony M. Del Zoppo, III Reg. No. 51,606
Driggs, Hogg & Fry Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Please direct further correspondence to:

Gregory J. Adams, Esq.
Eveready Battery Company
25225 Detroit Road
Westlake, Ohio 44145
Phone: (440) 835-8148